

REMARKS/ARGUMENTS

Preliminarily, Applicants wish to thank the examiner for granting an interview. Reconsideration and allowance of the subject application based on the following amendments and remarks is respectfully requested. Claim 1 has been amended. Upon entry of the above amendments, claims 1, 2, 4, 7, 9, 10, 12, 15-18, 22, 23, 27, and 29 will be pending. All remaining claims have been cancelled.

Claims 1-2, 4, 7, 9, 10, 15-18, 22-23 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz in view of Breaker. Claims 3 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz and Braker in view of Jelinek. Claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz and Breaker.

In view of the Final Office Action dated May 11, 2006, the Examiner had graciously agreed to hear the Applicants and, therefore, granted an interview dated August 8, 2006, whereby Examiner and Applicants discussed the merits of the claimed invention in view of prior art Jelinek, Forry, and Breaker, among others. The Examiner kindly suggested to the Applicants as possible claim language the "monolithic frame" limitation. Applicants thanked the Examiner for this suggestion and proceeded to amend the claims in view of this suggestion and file a Request for Continued Examination. The Examiner, has now, however identified a further reference, *i.e.*, Schultz, and has made the above mentioned rejections. Applicants submit for at least the reasons discussed hereafter that Schultz is *less* related than any other prior art of record.

The Examiner acknowledges that Schultz does not disclose the monolithic frame. (see page 3, line 10 – "...fails to disclose that the frame is formed as a monolithic frame"). The Examiner states, however, that "one-piece construction, in place of separate elements forming a whole" would have been a matter of "obvious engineering." Applicants respectfully disagree.

Schultz is directed to a railroad hopper car that is built for a rugged environment to transport dry materials such as grain and pellets. Importantly, the formation of a complete and impenetrable seal is not the purpose of the gasket in Schultz. Instead, the gasket in these hopper cars, which is used between the bottom wall of a hopper car and an outlet gate, is used to prevent the escape of significant amounts of dry material from the car, which, if it did occur, could compromise the quality of the next carload (see Schultz).

In contrast, the gasket of the present invention is used to prevent the leakage of aggressive liquids. Unlike Schultz, the gasket in the present invention is used to create a complete and impenetrable seal so that absolutely zero leakage occurs. Thus, a "one-piece construction" design in view of Schultz is not and would not be "obvious engineering" for the present invention. Accordingly, Applicants submit that these outstanding grounds for rejection be withdrawn.

In conjunction with the above, the amendment to claim 1, *i.e.*, the inner peripheral edge being part-circular in cross-section" are believed to overcome these outstanding grounds for rejection. The Examiner states that "having a flat edge or curved edge is considered to be art equivalent" (see page 4, lines 13-14). Applicants respectfully disagree. A flat edge has sharp edges where leakage of liquids might occur, even through a chemically resistant layer. A curved edge, on the other hand, does not have such sharp edges. Instead, a curved edge in the present invention provides for an unbroken layer of chemically resistant material allowing for improved corrosion resistance.


Additionally, a curved edge has a greater ability to compress more ideally than a straight edge or flat surface when compressed by the flange(s). Thus, the curved edge is engineered such that the claimed gasket can withstand greater compression forces than a straight edge, and, is therefore not the equivalent of a straight edge or flat surface. Accordingly, the amendments to the claims overcome the outstanding rejection.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

JONES DAY

By: _____



Ted J. Ebersole
Registration No. 51,641
Direct No. (202) 879-3646

Paul L. Sharer
Registration No. 36,004
Direct No. (202) 879-5481

PLS/TJE
Intellectual Property Group
51 Louisiana Avenue, NW
Washington, D.C. 20001
(202) 879-3646 Telephone
(202) 626-1700 Facsimile

Date: December 15, 2006